

Notice of Allowability

Application No.

10/764,072

Examiner

Benjamin H. Layno

Applicant(s)

SCHEB ET AL.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the amendment filed 6/23/06 and interview on 09/01/06.
2. ☒ The allowed claim(s) is/are 1-8, 10-27, 29-46 and 48-57.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☒ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☒ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 09/01/06 .
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Jeffrey Sonnabend on 09/01/06.

The application has been amended as follows:

In claim 1, line 11, the recitation --said single wager including at least one wager on only one outcome of a random event selected from said set of wagers on the outcome of the plurality of said differentiable random events,-- has been inserted after "events," and before "said double".

In claim 1, line 12, the recitation --, non-sum total—has been inserted after "non-consecutive" and before "combination".

In claim 1, line 12, the recitation --outcomes from only two random events selected from said set of wagers on the outcome of the plurality—has been inserted after "two" and before "of said".

In claim 1, line 13, the recitation --, non-sum total—has been inserted after "non-consecutive" and before "combination".

In claim 1, line 14, the recitation --outcomes from only three random events selected from said set of wagers on the outcome of the plurality—has been inserted after "three" and before "of the".

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In claim 1, line 14, the recitation —, said second wager group including at least one wager selected from the group comprising equal, consecutive and sum total combinations of at least two outcomes from said set of differentiable events—has been inserted after “events” and before “.”.

In claim 20, line 10, the recitation —said single wager including at least one wager on only one outcome of a random event selected from said set of wagers on the outcome of the plurality of said differentiable random events,— has been inserted after “events,” and before “said double”.

In claim 20, line 11, the recitation —, non-sum total—has been inserted after “non-consecutive” and before “combination”.

In claim 20, line 11, the recitation —outcomes from only two random events selected from said set of wagers on the outcome of the plurality—has been inserted after “two” and before “of said”.

In claim 20, line 12, the recitation --, non-sum total—has been inserted after “non-consecutive” and before “combination”.

In claim 20, line 13, the recitation —outcomes from only three random events selected from said set of wagers on the outcome of the plurality—has been inserted after “three” and before “of the”.

In claim 20, line 13, the recitation —, said second wager group including at least one wager selected from the group comprising equal, consecutive and sum total combinations of at least two outcomes from said set of differentiable events—has been inserted after “events” and before “.”.

In claim 39, line 11, the recitation --said single wager including at least one wager on only one outcome of a random event selected from said set of wagers on the outcome of the plurality of said differentiable random events,-- has been inserted after "events," and before "said double".

In claim 39, line 12, the recitation --, non-sum total—has been inserted after "non-consecutive" and before "combination".

In claim 39, line 12, the recitation --outcomes from only two random events selected from said set of wagers on the outcome of the plurality—has been inserted after "two" and before "of said".

In claim 39, lines 13-14, the recitation --, non-sum total—has been inserted after "non-consecutive" and before "combination".

In claim 39, line 14, the recitation --outcomes from only three random events selected from said set of wagers on the outcome of the plurality—has been inserted after "three" and before "of the".

In claim 39, line 14, the recitation --, said second wager group including at least one wager selected from the group comprising equal, consecutive and sum total combinations of at least two outcomes from said set of differentiable events—has been inserted after "events" and before ".".

Drawings

2. The drawings are informal. Formal drawings are now required. In order to avoid abandonment of the application, applicant must provide formal drawings.

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3. The following is an examiner's statement of reasons for allowance: None of the cited references alone or in combination teach the claimed "said wager groups including **a first wager group comprising single, double and trifecta wagers and a second wager group comprising wagers on said aggregate event, said single wager including at least one wager on only one outcome of a random event selected from said set of wagers on the outcome of the plurality of said differentiable random events, said double wagers including at least one wager on a non-equal, non-consecutive, non-sum total combination of two outcomes from only two random events selected from said set of wagers on the outcome of the plurality of said differentiable random events and said trifecta wagers including at least one wager on a non-equal, non-consecutive, non-sum total combination of three outcomes from only three random events selected from said set of wagers on the outcome of the plurality of said differentiable random events, said second wager group including at least one wager selected from the group comprising equal, consecutive and sum total combinations of at least two outcomes from said set of differentiable events .**


Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin H. Layno whose telephone number is (571) 272-4424. The examiner can normally be reached on Monday-Friday, 1st Friday Off.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eugene Kim can be reached on (571)272-4463. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Benjamin H. Layno
Primary Examiner
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bhl